

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Takumi SHINMURA, et al.**

International Application No.: **PCT/JP03/02853**

International Filing Date: **March 11, 2003**

Attn: **PCT Branch**

Serial No.: **10/506,608**

Group Art Unit: **3643**

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P.T.O. Confirmation No.: 1281

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

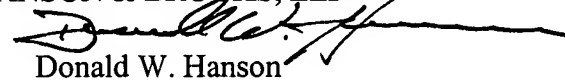
January 18, 2005

Sir:

The attention of the Patent and Trademark Office is hereby directed to the PCT Notification of Transmittal of copies of translation of the International Preliminary Examination Report attached herewith.

This notification is submitted herewith to be place in the U.S. Patent and Trademark Office file of this case.

Respectfully submitted,
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PATENT TRADEMARK OFFICE

Enclosure: PCT Notification of Transmittal of Copies of Translation of the International Preliminary Examination Report (5 Sheets.)

Translation

PATENT COOPERATION TREATY

PCT/JP2003/002853



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference P03-27 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/JP2003/002853 | International filing date (day/month/year) 11 March 2003 (11.03.2003) | Priority date (day/month/year) 11 March 2002 (11.03.2002) |
| International Patent Classification (IPC) or national classification and IPC A01K 85/00 | | |
| Applicant SAN-EI GEN F.F.I., INC. | | |

| | |
|---|---|
| 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | |
| 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. | |
| <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets. | |
| 3. This report contains indications relating to the following items: | |
| I | <input checked="" type="checkbox"/> Basis of the report |
| II | <input type="checkbox"/> Priority |
| III | <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> Lack of unity of invention |
| V | <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> Certain documents cited |
| VII | <input type="checkbox"/> Certain defects in the international application |
| VIII | <input type="checkbox"/> Certain observations on the international application |

| | |
|---|--|
| Date of submission of the demand 04 August 2003 (04.08.2003) | Date of completion of this report 02 June 2004 (02.06.2004) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/002853

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-12 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 2-10,12,14 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1,11,13,15,16 _____, filed with the letter of _____ 16 January 2004 (16.01.2004)
- ☒ the drawings:
pages _____ 1 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/JP 03/02853

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-16 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-16 | NO |
| Industrial applicability (IA) | Claims | | YES |
| | Claims | 1-16 | NO |

2. Citations and explanations

Document 1: JP 6-319414 A (Mikakuto Kabushiki Kaisha), 22 November 1994, entire text (Family: none)

Document 2: JP 11-209401 A (Bio-Polymer Research Co., Ltd.), 3 August 1999, claims, paragraphs [0021] to [0024], [0049] and [0050] (Family: none)

Document 3: JP 4-144643 A (Ajinomoto Co., Inc.), 19 May 1992, entire text (Family: none)

Claims 1 to 4, 11 to 14 and 16

The invention set forth in claims 1 to 4, 11 to 14 and 16 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

Document 1 sets forth artificial bait having as its main ingredients a water-soluble polysaccharide and gelatin cross-linked with transglutaminase.

Document 2 indicates that cellulose is added in order to improve the strength of gelatin cross-linked with transglutaminase.

It would therefore be easy for a person skilled in the art to conceive of adding cellulose, as described in document 2, in the invention set forth in document 1, in order to improve the strength of artificial bait.

Claim 5

The invention set forth in claim 5 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

Document 2 indicates that cellulose is added, and the selection and use of microcrystalline cellulose, a known cellulose material, would not be difficult for a person skilled in the art.

Claim 6

The invention set forth in claim 6 does not involve an inventive step in the light of documents 1 to 3 cited in the international search report.

Document 3 sets forth a food obtained by adding sugar and starch syrup to gelatin before cross-linking with transglutaminase.

It would therefore be easy for a person skilled in the art to use sugar or starch syrup as the water-soluble polysaccharide described in document 1.

Claim 7

The invention set forth in claim 7 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

Document 1 indicates that fish oil, fish meal and chemical substances having a fishy odor are added, and it would be common general technical knowledge that these substances have the effect of attracting fish.

Claims 8 and 9

The invention set forth in claims 8 and 9 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

The ratios of cellulose, saccharide and gelatin cross-linked with transglutaminase constitute a design

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/JP 03/02853

feature which would be set as necessary by a person skilled in the art taking into account the strength of the gel and the like.

Claims 10 and 15

The invention set forth in claims 10 and 15 does not involve an inventive step in the light of documents 1 to 3 cited in the international search report.

The ratio of saccharides is a design feature which would be determined as necessary by a person skilled in the art taking into account the strength of the gel and the like, in the same way as the ratio of gelatin and cellulose.